



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



C & M Screw Machine Products, Inc.
32 Executive Drive
Hudson, NH 03051

RE: EPA ID No. NHD095511218

ADMINISTRATIVE ORDER
No. WMD 04-01

January 7, 2004

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to C & M Screw Machine Products, Inc. pursuant to RSA 147-A:14. This Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal offices at 29 Hazen Drive, Concord, NH 03301-6509.
2. C & M Screw Machine Products, Inc. ("C & M") is a New Hampshire corporation that registered with the New Hampshire Secretary of State's Office on February 18, 1981. C & M has a mailing address of, and operates a facility located at, 32 Executive Drive, Hudson, NH 03051.

C. STATEMENT OF FACTS AND LAW

1. RSA 147-A authorizes DES to regulate the management, including storage, treatment, containerization, transportation, and disposal of hazardous wastes. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted New Hampshire Administrative Rules Env-Wm 100-1100 ("Hazardous Waste Rules") to implement this program.
2. C & M is a hazardous waste generator that notified the United States Environmental Protection Agency ("EPA") of its activities on December 8, 1986. EPA Identification Number NHD095511218 was assigned to C & M's site located at 32 Executive Drive, Hudson, NH (the "Facility").
3. On October 7, 2003 and November 7, 2003, DES personnel conducted an inspection (the "Inspection") of the Facility. The purpose of the Inspection was to determine C & M's compliance status relative to RSA 147-A and the Hazardous Waste Rules.
4. During the Inspection, DES personnel observed hazardous wastes stored in the main hazardous waste storage area (the "Storage Area").

5. Env-Wm 502.01 requires a generator of a waste to determine if the waste is a hazardous waste
6. At the time of the Inspection, no adequate formal hazardous waste determination had been performed on the waste lamps, spent petroleum naphtha, and spent aqueous parts washer generated by C & M. DES personnel also confirmed that C & M has disposed of waste lamps in the on-site dumpster.
7. Env-Wm 507.01(a)(3) requires hazardous waste to be placed in containers or tanks that are closed at all times except to add or remove waste.
8. During the Inspection, DES personnel observed one (1) container of hazardous waste speedi-dry located in the "Storage Area" that was not closed. See the attached Hazardous Waste Container Inventory ("Inventory").
9. Env-Wm 507.03(a)(1)a. requires containers and tanks to be marked with the beginning accumulation date when they are first used to store hazardous waste.
10. During the Inspection, DES personnel observed a total of two (2) 55-gallon containers of hazardous waste located in the "Storage Area" that were not marked with the beginning accumulation date. (See the attached Inventory).
11. Env-Wm 507.03(a)(1)b., c., and d. require containers and tanks used for the storage of hazardous waste to be clearly marked with the words "hazardous waste," words that identify the contents of the container, and the EPA or state waste number.
12. During the Inspection, DES personnel observed a total of two (2) 55-gallon containers of hazardous waste located in the "Storage Area" that were not marked with the words "hazardous waste," words that identify the contents of the container, and the EPA or state waste number. (See the attached Inventory).
13. Env-Wm 509.02(a)(1), which references 40 CFR Part 265.15, General Inspection Requirements, requires full quantity generators to conduct inspections of the Facility, including the hazardous waste storage area, and to document the inspections.
14. At the time of the Inspection, C & M was not conducting and documenting inspections of the "Storage Area."
15. Env-Wm 509.02(a)(2), which references 40 CFR Part 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program for its employees responsible for handling hazardous waste.
16. At the time of the Inspection, C & M did not have a personnel training program and was not providing hazardous waste training to employees responsible for handling hazardous waste.
17. Env-Wm 509.02(a)(5), which references 40 CFR Part 265, Subpart D, Contingency Plan and Emergency Procedures, requires full quantity generators to maintain a contingency plan

designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

18. At the time of the Inspection, C & M did not have a hazardous waste contingency plan.
19. Env-Wm 509.02(b) requires a list of the steps to take in the event of an emergency and emergency numbers to be posted at the telephone nearest to each hazardous waste storage area.
20. During the Inspection, DES personnel confirmed that C & M did not have its emergency information posted at the telephone nearest to the "Storage Area."
21. Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.
22. At the time of the Inspection, one (1) 55-gallon container of used oil observed in the "Storage Area" was not labeled with the words "Used Oil for Recycle." (See the attached Inventory).
23. Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03.
24. During the Inspection, C & M provided used oil determination analytical results for two (2) used oil waste streams (used hydraulic/cutting oil and used water-soluble coolant); however, the analytical results did not include results for total halogens.

D. DETERMINATION OF VIOLATIONS

1. C & M has violated Env-Wm 502.01 by failing to determine if its waste is a hazardous waste.
2. C & M has violated Env-Wm 507.01(a)(3) by failing to close all hazardous waste containers except to add or remove waste.
3. C & M has violated Env-Wm 507.03(a)(1)a. by failing to mark each hazardous waste container with the beginning accumulation date when they are first used to store hazardous waste.
4. C & M has violated Env-Wm 507.03(a)(1)b., c., and d. by failing to mark each hazardous waste container with the words "hazardous waste," words that identify the contents of the container, and the EPA or state waste number when they are first used to store hazardous waste.
5. C & M has violated Env-Wm 509.02(a)(1) by failing to conduct inspections of the Facility, including the hazardous waste storage area.

6. C & M has violated Env-Wm 509.02(a)(2) by failing to maintain a personnel training program and to adequately train all personnel handling hazardous waste.
7. C & M has violated Env-Wm 509.02(a)(5) by failing to maintain a contingency plan at the Facility.
8. C & M has violated Env-Wm 509.02(b) by failing to post emergency information at the telephone nearest to the hazardous waste storage area.
9. C & M has violated Env-Wm 807.06(b)(4) by failing to mark the used oil container with the words "Used Oil for Recycle."
10. C & M has violated Env-Wm 807.06(b)(7) by failing to conduct adequate used oil determinations for the used hydraulic/cutting oil and the used water-soluble coolant.

E. ORDER

Based on the above findings, DES hereby orders C & M as follows:

Perform a hazardous waste determination as specified in Env-Wm 502.01 for the waste lamps, spent petroleum naphtha, and spent aqueous parts washer; and submit the results along with any supporting data used to make the hazardous waste determination to DES. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules, Env-Wm 100-1100.

60 DAYS

For the waste lamps, C & M may alternatively elect to manage them as "universal waste" in accordance with Env-Wm 1100. The DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters," and a DES "Fluorescent Lamp and Ballast Recycling Facility" were provided to C & M personnel at the time of the Inspection.

2. Close or seal all hazardous waste containers except when wastes are actually being added to or removed from the container as specified in Env-Wm 507.01(a)(3).

COMPLETED

Note. On November 7, 2003, DES personnel observed that all containers of hazardous waste were closed.

3. Clearly mark all hazardous waste containers and tanks with the beginning date of accumulation, as specified in Env-Wm 507.03(a)(1)a.

COMPLETED

On November 7, 2003, DES personnel observed that all containers of hazardous waste were labeled correctly.

4. Clearly mark all hazardous waste containers and tanks with the words "hazardous waste," words that identify the contents of the container, and the EPA or state waste number, as specified in Env-Wm 507.03(a)(1)b., c., and d.

COMPLETED

On November 7, 2003, DES personnel observed that all containers of hazardous waste were labeled correctly.

5. Develop and implement a general inspection program, as specified in Env-Wm 509.02(a)(1), which references 40 CFR Part 265.15, General Inspection Requirements. This program must provide for, at a minimum, weekly inspections of areas where hazardous wastes are stored.

COMPLETED

Note. In a submittal dated October 21, 2003, C & M's Maintenance Manager George Villemaire provided a copy of the inspection checklist to be used in C & M's general inspection program, as well as completed copies of inspections of the hazardous waste storage areas.

6. Develop and maintain a personnel training program as specified in Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, including:
- a. Ensure that all personnel handling hazardous waste receive initial hazardous waste management training and annual updates of their training [40 CFR 265.16(c)]; and
 - b. Ensure that the following documents and records are maintained at the Facility:
 - 1. Job title for each position at the Facility related to hazardous waste management, and the name of the employee filling each job;
 - 2. A written job description, including requisite skills, education and duties, for positions with hazardous waste management duties; and,
 - 3. Documentation that training has been completed

30 DAYS

7. Develop a site specific contingency plan as specified in Env-Wm 509.02(a)(5), which references 40 CFR 265 Subpart D, Contingency Plan and Emergency Procedures, including, but not limited to:

30 DAYS

- a. Describing the actions Facility personnel must take to comply with 40 CFR 265.51 and 40 CFR 265.56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste [40 CFR 265.52(a)];
- b. Listing the arrangements with local police departments, fire departments, hospitals, contractors, and state and local response teams [40 CFR 265.52(c)];
- c. Listing names, addresses, and phone numbers of primary and alternate emergency coordinators [40 CFR 265.52(d)];
- d. Listing all emergency equipment at the Facility, including the location, physical description, and capabilities of each item [40 CFR 265.52(e)];
- e. Describing an evacuation plan for Facility personnel including the signal to begin evacuation and primary and alternate evacuation routes [40 CFR 265.52(f)]; and
- f. Submitting copies of the contingency plan to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services [40 CFR 265.53].

8. Post a list of the steps to take in the event of an emergency at the telephone nearest to each hazardous waste storage area, as specified in Env-Wm 509.02(b).

COMPLETED

Note: In the October 21, 2003 submittal, Mr. Villemaire submitted a copy of the emergency posting which was posted at the telephone nearest to the "Storage Area."

9. Clearly mark all used oil containers with the words "Used Oil for Recycle," as specified in Env-Wm 807.06(b)(4).

IMMEDIATELY

10. Complete the used oil determinations as specified in Env-Wm 807.06(b)(7) for the used hydraulic/cutting oil and the used water-soluble coolant by testing them for total halogens, and submit the results to DES.

60 DAYS

11. Submit a written status report to DES within thirty-five (35) calendar days, and a second report within sixty-five (65) calendar days of the date of this Order, certifying that corrective measures have been implemented and compliance achieved. Include in the report supporting documentation describing those measures taken to achieve compliance and copies of any written plans or proceedings developed.

12. Please address submittals, **other than appeals**, to:

Kenneth W. Marschner, Administrator
DES, WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

F. APPEAL

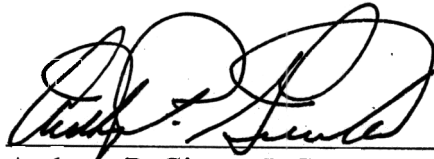
Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rule are available from DES's Public Information Center at (603) 271-2975 or at <http://www.des.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve C & M of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA Ch. 147-A provides for civil and criminal penalties and administrative fines for violations of the statute or any rule adopted by DES relative to the statute, as well as for violations of this Order. RSA 147-A:17 provides for civil forfeitures of up to \$50,000 for each day of a continuing violation, in addition to enforcement by injunctive relief.

DES will continue to monitor the compliance status of C & M to determine whether the Facility has come into, and is maintaining, full compliance with the applicable rules. Future violations will result in additional enforcement action being taken. C & M is required to maintain compliance with all on-going requirements, including those identified as being "COMPLETED" in Section E of the Order.

C & M may assert a confidentiality claim covering part or all of the information requested which constitutes a trade secret, in accordance with RSA 147-A:7, II. If no such claim accompanies the information when it is received by DES, it may be made available to the public by DES without further notice to C & M.



Anthony P. Giunta, P.G.
Director
Waste Management Division



Michael P. Nolin
Commissioner
Department of Environmental Services

CERTIFIED MAIL/RRR# 7099 3400 0002 9773 9881

cc: DB/RCRA/ORDER/ARCHIVE
Gretchen Rule, Administrator, DES Legal Unit
Public Information Coordinator, DES
Jennifer Patterson, NHDOJ-OAG
Town Clerk, Hudson, NH
George Villemaire, C & M, Maintenance Manager

e-mail: John Duclos, HWCS

enclosure: Hazardous Waste Generator Inspection Report
Hazardous Waste Container Inventories